

Sec. 28-31. - Soliciting.

- (a) It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:
- (1) In an aggressive manner in any public area;
 - (2) In any public transportation vehicle, or bus station or stop; provided, however, that this paragraph shall not apply to services rendered in connection with such transportation services;
 - (3) Within fifteen (15) feet of any entrance or exit of any bank during the hours of operation of such bank;
 - (4) Within fifteen (15) feet of any automated teller machine, during the hours of operation of such machine;
 - (5) From or to any person seated within an outdoor café area, during the hours of operation of such outdoor café;
 - (6) From or to any person who is conducting business at any vendor table or cart;
 - (7) On private property, if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;
 - (8) While walking on, standing on or going into any street or highway used for motor vehicle travel, or any area appurtenant thereto (including medians, shoulder areas, turning lanes, ramps and exit ramps) within three hundred (300) feet (in any direction) of any of the following intersections:
 - a. The intersection of Emmet Street and Barracks Road;
 - b. The intersection of Emmet Street and Hydraulic Road;
 - c. The intersection of Route 250 and River Road ("Free Bridge");
 - d. The intersection of Main Street and Ridge/McIntire Road.
 - (9) On the Downtown Mall within fifty (50) feet (in any direction) of 2nd Street West and 4th Street East, when those streets are open to vehicular traffic.

- (b) For the purposes of this section the following words and phrases shall have the meanings ascribed to them below, unless a different meaning is plainly required by the context:

Aggressive manner means and includes:

- (1) Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation, without the person's consent;
- (2) Approaching or following the person being solicited, if that conduct is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (3) Continuing to solicit the person being solicited after the person has made a negative response, if continuing the solicitation is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (4) Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person to take evasive action to avoid physical contact with the person making the solicitation; and
- (5) Intentionally or recklessly using obscene or abusive language or gestures: (i) intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation.

Public area means an area to which the public or a substantial group of persons has access, including, but not limited to: alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, sidewalks, streets open to the general public, and the doorways and entrances to buildings, together with the grounds enclosing them.

Solicit means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. A solicitation may take the form of, without limitation, the spoken, written or printed word, or by other means of communication (for example: an outstretched hand, an extended cup or hat, etc.).

- (c) Any person violating the provisions of this section shall be guilty of a Class 3 misdemeanor.
(4-21-03(1); 7-7-03; 8-16-10(3))